

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Theo T. Nikiforov et al

Application No./Patent No.: 09/993,314 Filed/Issue Date: 11/05/2001

Entitled: Pressure-Based Mobility Shift Assays

Caliper Life Sciences, Inc., a Delaware Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest, or2. ☐ an assignee of less than the entire right, title and interest.The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A. [ ] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. [x] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Theo T. Nikiforov et al. To: Caliper Technologies Corp.

The document was recorded in the United States Patent and Trademark Office at  
Reel 012645, Frame 0598, or for which a copy thereof is attached.

2. From: Caliper Technologies Corp. To: Caliper Life Sciences, Inc.

The document was recorded in the United States Patent and Trademark Office at  
Reel 014326, Frame 0407, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

[x] Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

7/25/06

Date

650-623-0412

Telephone number

Stephen E. Creager

Typed or printed name

Signature

Vice President and General Counsel

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which it is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 10 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"CALIPER MERGER SUB, INC.", A DELAWARE CORPORATION,  
WITH AND INTO "CALIPER TECHNOLOGIES CORP." UNDER THE NAME OF  
"CALIPER LIFE SCIENCES, INC.", A CORPORATION ORGANIZED AND  
EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED  
AND FILED IN THIS OFFICE THE TWENTY-FIRST DAY OF JANUARY, A.D.  
2004, AT 1:19 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF  
THE AFORESAID CERTIFICATE OF OWNERSHIP IS THE TWENTY-THIRD DAY  
OF JANUARY, A.D. 2004, AT 8 O'CLOCK A.M.



2524908 8100M

050075074

*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 3650290

DATE: 01-31-05

**CERTIFICATE OF OWNERSHIP AND MERGER**

**MERGING**

**CALIPER MERGER SUB, INC.**

**WITH AND INTO**

**CALIPER TECHNOLOGIES CORP.**

---

Pursuant to Section 253 of the  
Delaware General Corporation Law

---

**CALIPER TECHNOLOGIES CORP.**, a corporation organized and existing under the laws of the State of Delaware (this "**Corporation**"), DOES HEREBY CERTIFY:

**FIRST:** That this Corporation was incorporated on July 26, 1995, pursuant to the Delaware General Corporation Law (the "**DGCL**"), the provisions of which permit the merger of a subsidiary corporation organized and existing under the laws of such State with and into a parent corporation organized and existing under the laws of such State.

**SECOND:** That this Corporation owns all of the outstanding shares of the common stock, \$0.001 par value per share, of Caliper Merger Sub, Inc., a corporation incorporated on January 13, 2004 (the "**Merger Sub**"), pursuant to the DGCL, and having no class of stock outstanding other than such common stock.

**THIRD:** That this Corporation, by the following resolutions of its Board of Directors, duly adopted by the unanimous written consent of the directors thereof and filed with the minutes of its Board of Directors pursuant to Section 141(f) of the DGCL on January 16, 2004, determined to merge the Merger Sub with and into itself:

**RESOLVED**, that the Merger Sub be merged with and into the Corporation (the "**Merger**") and that the Corporation be the surviving corporation of the Merger;

**RESOLVED FURTHER**, that the Merger shall become effective on the filing of a Certificate of Ownership and Merger (the "**Certificate of Merger**") prepared and executed by an officer of the Corporation in the form required by Section 253 of the General Corporation Law of the State of Delaware and filed with the Secretary of State of the State of Delaware;

**RESOLVED FURTHER**, that upon the effectiveness of the Merger, (i) the Corporation shall assume all of the liabilities and obligations of the Merger Sub, (ii) the name of the Corporation shall be changed from "Caliper Technologies Corp." to "Caliper Life Sciences, Inc." and (iii) Article I of the Certificate of Incorporation of the Corporation shall be amended and restated to read as follows:

"The name of this corporation is Caliper Life Sciences, Inc."

**RESOLVED FURTHER**, that the officers of the Corporation be, and each of them hereby is, authorized and directed, for and on behalf of the Corporation, to effect all filings and qualifications, and take all further actions, that any such officer deems to be necessary or appropriate to comply with state or federal securities laws in connection with the transactions contemplated by the Merger and the Certificate of Merger.

**RESOLVED FURTHER**, that the officers of the Corporation be, and each of them hereby is, authorized and directed for and on behalf of the Corporation to prepare, execute and deliver the Certificate of Merger and any other agreements, certificates and other documents referred to therein or contemplated thereby, and to cause the Corporation to perform its obligations under the Certificate of Merger; and

**RESOLVED FURTHER**, that the officers of the Corporation be, and each of them hereby is, authorized and directed, for and on behalf of the Corporation, to execute and deliver all other instruments, effect all filings and qualifications, and take all further actions, that either of them deem to be necessary or appropriate to carry out the purposes of the foregoing resolutions and to consummate the transactions contemplated by the Merger and the Certificate of Merger.

**FOURTH:** That the surviving corporation (the "*Surviving Corporation*") shall be this Corporation.

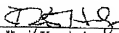
**FIFTH:** That from and after the effective time of the Merger, the Certificate of Incorporation, as amended, of this Corporation shall be the Certificate of Incorporation of the Surviving Corporation and Article I of the Certificate of Incorporation of this Corporation shall be amended and restated to read as follows:

"The name of this Corporation is Caliper Life Sciences, Inc."

**SIXTH:** That the Merger shall become effective at 8:00 a.m. EST on January 23, 2004.

IN WITNESS WHEREOF, Caliper Technologies Corp. has caused this Certificate of Ownership and Merger to be executed in its corporate name as of this 20<sup>th</sup> day of January, 2004.

CALIPER TECHNOLOGIES CORP.

By:   
E. Kevin Hausovsky  
President and Chief Executive Officer